

Assembly Bill No. 969

Passed the Assembly August 22, 2016

Chief Clerk of the Assembly

Passed the Senate August 15, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add and repeal Section 67386.5 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 969, Williams. Postsecondary education: sexual assault cases.

Existing law establishes the University of California, under the administration of the Regents of the University of California, the California State University, under the administration of the Trustees of the California State University, the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and independent institutions of higher education as the segments of postsecondary education in this state.

Existing law requires the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, if they adopt a specified resolution, and the Board of Directors of the Hastings College of the Law to adopt, and implement at each of their respective campuses or other facilities, a written procedure or protocols to ensure, to the fullest extent possible, that students, faculty, and staff who are victims of sexual assault committed at or upon the grounds of, or upon off-campus grounds or facilities maintained by, the institution, receive treatment and information.

The bill would additionally require, until January 1, 2022, in order to receive state funds for student financial assistance, the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing board of each independent postsecondary institution to report, on or before October 1, 2018, and on an annual basis thereafter, specified data relating to cases of alleged sexual assault, domestic violence, dating violence, and stalking. The bill would require that report to be posted on the respective institution's Internet Web site in a manner easily accessible to students.

The bill would also require that the information reported pursuant to these provisions be reported in a manner that provides appropriate protections for the privacy of individuals involved, including, but not necessarily limited to, protection of the confidentiality of the alleged victim and of the alleged perpetrator.

The people of the State of California do enact as follows:

SECTION 1. Section 67386.5 is added to the Education Code, to read:

67386.5. (a) (1) Notwithstanding Section 67400, in order to receive state funds for student financial assistance, the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing board of each independent postsecondary institution shall report on or before October 1, 2018, and annually thereafter, all of the following information for the prior calendar year:

(A) The number of sexual assault, domestic violence, dating violence, and stalking complaints that were received by the institution.

(B) The number of sexual assault, domestic violence, dating violence, and stalking complaints that were investigated by the institution.

(C) The number of sexual assault, domestic violence, dating violence, and stalking complaints that were not investigated by the institution.

(D) The number of investigations conducted pursuant to subparagraph (B) in which the respondents were found responsible at the disciplinary proceedings of the institution.

(E) The number of investigations conducted pursuant to subparagraph (B) in which the respondents were not found responsible at the disciplinary proceedings of the institution.

(F) The number of disciplinary sanctions imposed on respondents who were found responsible as determined pursuant to subparagraph (D) disaggregated by the type of discipline imposed in, at minimum, the following categories:

(i) Expulsion.

(ii) Suspension of at least two years.

(iii) Suspension of fewer than two years.

(iv) Probation.

(G) The number of cases that were closed for other reasons.

(2) The report required pursuant to paragraph (1) shall be posted on the institution's Internet Web site in a manner easily accessible to students.

(b) For purposes of this section, "sexual assault, domestic violence, dating violence, and stalking" refer to all of the categories of misconduct in the institution's policy adopted pursuant to Section 67386.

(c) The information reported pursuant to this section shall be reported in a manner that provides appropriate protections for the privacy of individuals involved, including, but not necessarily limited to, protection of the confidentiality of the alleged victim and of the alleged perpetrator, consistent with the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g).

(d) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.

Approved _____, 2016

Governor